

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Michael A. Babyak
Debtor(s)

Bankruptcy Case No.: 20-22027-CMB
Per January 28, 2021 Proceeding
Chapter: 13
Docket No.: 42 - 2, 30
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 3, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ford Motor Credit (C1 #7) gov .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: February 1, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Michael A. Babyak
Debtor

Case No. 20-22027-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Feb 01, 2021

User: gamr
Form ID: 149

Page 1 of 3
Total Noticed: 40

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 03, 2021:

Recip ID	Recipient Name and Address
db	+ Michael A. Babyak, 3107 Squires Manor Lane, South Park, PA 15129-8424
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
15276223	Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15262228	+ Citibank, Citicorp Credit Svcs/Centralized Bk dept, Po Box 790034, St Louis, MO 63179-0034
15262232	++ DSNB MACY S, CITIBANK, 1000 TECHNOLOGY DRIVE MS 777, O FALLON MO 63368-2222 address filed with court:, Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15262235	++ FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180 address filed with court:, Ford Motor Credit, National Bankruptcy Service Center, Po Box 62180, Colorado Springs, CO 80962
15262239	+ Mariner Finance, LLC, Attn: Bankruptcy, 8211 Town Center Drive, Nottingham, MD 21236-5904
15262240	+ Michelle Durham, 3979 Perry Highway, Slippery Rock, PA 16057-7011
15262245	+ Target, c/o Financial & Retail Svcs, Mailstop BT POB 9475, Minneapolis, MN 55440-9475
15262246	#+ Taylor Babyak, 4009 Squires Manor Lane, South Park, PA 15129-8426
15262247	UPMC Health Services, PO Box 371472, Pittsburgh, PA 15250-7472
15276306	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
15276309	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

TOTAL: 13

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	Email/Text: bnc-quantum@quantum3group.com	Feb 02 2021 07:58:00	Quantum3 Group LLC, Sadino Funding LLC, PO Box 788, Kirkland, WA 98083-0788
15262225	+ Email/Text: backoffice@affirm.com	Feb 02 2021 07:59:00	Affirm, Inc., Attn: Bankruptcy, Po Box 720, San Francisco, CA 94104-0720
15262226	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Feb 02 2021 07:47:19	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15277768	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Feb 02 2021 07:45:25	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15262227	+ Email/Text: rmelani@chfcu.org	Feb 02 2021 07:58:00	Century Heritage F C U, Attn:Bankruptcy, 9 S 2nd St, Duquesne, PA 15110-1147
15267624	+ Email/Text: rmelani@chfcu.org	Feb 02 2021 07:58:00	Century Heritage Federal credit Union, 700 Regis Avenue, Pittsburgh, PA 15236-1425
15262228	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 02 2021 07:47:37	Citibank, Citicorp Credit Svcs/Centralized Bk dept, Po Box 790034, St Louis, MO 63179-0034
15262229	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Feb 02 2021 07:57:00	Comenity Capital/Gamestop, Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125
15262230	+ Email/PDF: creditonebknofications@resurgent.com	Feb 02 2021 07:45:26	Credit One Bank, Attn: Bankruptcy Department, Po Box 98873, Las Vegas, NV 89193-8873

District/off: 0315-2

User: gamr

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Total Noticed: 40

15262231	+ Email/PDF: creditonebknotifications@resurgent.com	Feb 02 2021 07:45:27	Credit One Bank, Po Box 98872, Las Vegas, NV 89193-8872
15262232	Email/PDF: Citi.BNC.Correspondence@citi.com	Feb 02 2021 07:45:45	Department Store National Bank/Macy's, Attn: Bankruptcy, 9111 Duke Boulevard, Mason, OH 45040
15279763	Email/Text: bnc-quantum@quantum3group.com	Feb 02 2021 07:58:00	Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
15265922	Email/Text: mrdiscen@discover.com	Feb 02 2021 07:57:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany Ohio 43054-3025
15262233	+ Email/Text: mrdiscen@discover.com	Feb 02 2021 07:57:00	Discover Financial, Attn: Bankruptcy, Po Box 3025, New Albany, OH 43054-3025
15285632	+ Email/Text: kbarkley@bernsteinlaw.com	Feb 02 2021 07:58:00	Duquesne Light Company, c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15262234	+ Email/Text: bnc-bluestem@quantum3group.com	Feb 02 2021 07:58:00	Fingerhut, Attn: Bankruptcy, Po Box 1250, Saint Cloud, MN 56395-1250
15262236	+ Email/Text: GenesisFS@ebn.phinsolutions.com	Feb 02 2021 07:59:00	Genesis FS Card Services, Attn: Bankruptcy, Po Box 4477, Beaverton, OR 97076-4401
15262237	Email/Text: sbse.cio.bnc.mail@irs.gov	Feb 02 2021 07:57:00	Internal Revenue Service, Insolvency Remittance, PO Box 7317, Philadelphia, PA 19101-7317
15262238	+ Email/Text: PBNCNotifications@perituservices.com	Feb 02 2021 07:57:00	Kohls/Capital One, Attn: Credit Administrator, Po Box 3043, Milwaukee, WI 53201-3043
15264285	Email/PDF: resurgentbknotifications@resurgent.com	Feb 02 2021 07:45:31	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15287784	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 02 2021 07:49:03	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15315589	Email/Text: bnc-quantum@quantum3group.com	Feb 02 2021 07:58:00	Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788, Kirkland, WA 98083-0788
15287376	Email/Text: bnc-quantum@quantum3group.com	Feb 02 2021 07:58:00	Quantum3 Group LLC as agent for, Bluestem and SCUSA, PO Box 788, Kirkland, WA 98083-0788
15284909	Email/Text: bnc-quantum@quantum3group.com	Feb 02 2021 07:58:00	Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788, Kirkland, WA 98083-0788
15262241	+ Email/Text: jennifer.chacon@spservicing.com	Feb 02 2021 07:59:00	Select Portfolio Servicing, Inc, Attn: Bankruptcy, Po Box 65250, Salt Lake City, UT 84165-0250
15262242	+ Email/PDF: gecsed@recoverycorp.com	Feb 02 2021 07:47:17	Synco/walmart, Attn: Bankruptcy, PO Box 965060, Orlando, FL 32896-5060
15262243	+ Email/PDF: gecsed@recoverycorp.com	Feb 02 2021 07:47:17	Synchrony Bank/ JC Penneys, Attn: Bankruptcy, Po B 965064, Orkando, FL 32896-5064
15262244	+ Email/PDF: gecsed@recoverycorp.com	Feb 02 2021 07:47:17	Synchrony Bank/Lowes, Attn: Bankruptcy, Po Box 965060, Orlando, FL 32896-5060
15271410	Email/Text: jennifer.chacon@spservicing.com	Feb 02 2021 07:59:00	U.S. Bank NA, et al, c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250

TOTAL: 29

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID Bypass Reason Name and Address

District/off: 0315-2

User: gamr

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cr		U.S. Bank NA, successor trustee to Bank of America
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15263700	*P++	FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180, address filed with court., Ford Motor Credit Company LLC, PO Box 62180, Colorado Springs, CO 80962-2180

TOTAL: 1 Undeliverable, 2 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 03, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 1, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor U.S. Bank NA successor trustee to Bank of America, NA, sucessor in interest to LaSalle Bank National Association, on behalf of the registered holders of Bear Stearns Asset Backed Securities I Trust 2 bnicholas@kmlawgroup.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Matthew M. Brennan	on behalf of Debtor Michael A. Babyak attorneymatthewbrennan@gmail.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
S. James Wallace	on behalf of Creditor Peoples Natural Gas Company LLC ccfpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com

TOTAL: 6